

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE ORINN S. ANDERSON,

Debtor,

ORINN S. ANDERSON, A/K/A ORINN ANDERSON,
A/K/A ORINN SCOTT ANDERSON,

Debtor and Plaintiff
on behalf of himself
and all others similarly
situated,

v.

CREDIT ONE BANK, N.A. AND
CREDIT ONE FINANCIAL

Defendants.

Chapter 7
Case No. 14-22147 (RDD)

Adv. Proc. No. 15-08214 (RDD)

**ORDER ON DEFENDANTS' MOTIONS TO COMPEL ARBITRATION,
TO STRIKE CLASS ALLEGATIONS, AND TO DISMISS OR STAY**

Upon the motions (the "Motions") of the Defendants herein for an order or orders (1) compelling arbitration, pursuant to the Federal Arbitration Act ("FAA"), 9 U.S.C. §§ 2-4, Fed.R. Bankr. P. 7012(b), incorporating Fed. R. Civ. P. 12(b)(3), (2) striking the class allegations, pursuant to Fed.R. Bankr. P. 7012(b), incorporating Fed. R.Civ. P. 12(f), along with Fed.R.Bankr. P. 7023, incorporating Fed.R.Civ.P. 23(c)(1)(A) and 23(d)(1)(D), and the FAA, (3) dismissing the complaint in this adversary proceeding, pursuant to Fed. R. Bankr. P. 7012 and 7021, incorporating Fed. R. Civ. P. 12(b)(1), 12(b)(6) and 21, and (4) staying all activity in this adversary proceeding pending determination of various issues in other pending adversary proceedings, pursuant to 9 U.S.C. § 3 and the Court's inherent authority; and, after due and sufficient notice of the Motions, upon Plaintiffs' opposition thereto (Dkt. #9); and upon all

pleadings submitted in connection therewith and the record of the hearing held by the Court on the Motions on May 5, 2015 (the “Hearing”); and, after due deliberation and for the reasons stated by the Court at the Hearing, it is hereby

ORDERED that the Motions to compel arbitration, to strike class allegations, and to dismiss or stay are **DENIED**, with the exception of that the portion of the Motions that seeks the dismissal of the complaint in this adversary proceeding against Credit One Financial, which is **GRANTED** without prejudice.

Dated: May 14, 2015
White Plains, New York

/s/ Robert D. Drain
Honorable Robert D. Drain
United States Bankruptcy Judge